

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WARREN D. CROZIER, PAULA M.
CROZIER, for minor A.C.; and ABBY
CROZIER,

Plaintiffs,

vs.

WESTSIDE COMMUNITY SCHOOL
DISTRICT, WESTSIDE MIDDLE
SCHOOL, ELIZABETH MEYERS, In her
individual capacity; RUSSELL OLSEN, in
his individual capacity; ENID
SCHONEWISE, in her individual
Capacity; and BLANE MCCANN, in his
individual capacity;

Defendants.

8:18CV541

ORDER

Plaintiffs each filed a motion to compel compliance with a subpoena served on the Nebraska Department of Education (NDEA), (Filing Nos. [180](#), [182](#), [184](#)). A show cause order was issued giving the NDEA until April 28, 2023 to respond. The NDEA timely responded on April 28, 2023. (Filing Nos. [210](#), [211](#)).

On May 1, 2023, Plaintiffs emailed chambers indicating that they had sent an offer to Defendants and their counsel proposing a non-monetary settlement and dismissal of the case. (Attachment, pages 1-2).¹ In response, the undersigned instructed Defense counsel to promptly notify the court of Defendants' response to Plaintiffs' proposed dismissal of their claims, with prejudice, all parties to pay their own costs and attorney fees. (Attachment, page 3). The proposed settlement

¹ Since each plaintiff is self-represented, each sent a separate, identical, email to chambers and opposing counsel. But for the clarity of the record, the court has included only one copy of each email received.

agreement and exhibit A² were provided to Plaintiffs on May 17, 2023. (Attachment, page 24 (email), pages 29-33 (proposed agreement)). Plaintiffs modified the settlement agreement language and provided a copy to Defendants and the court on May 26, 2023. (Attachment, pages 62-67). The proposed changes were rejected by Defense counsel by email to Plaintiffs and the court on May 31, 2023. (Attachment, page 68). Defendant provided a copy of the settlement agreement indicating Plaintiff's amendments to the Defendants' original draft with deletions in red and additions in blue. (Attachment, pages 69-79).

IT IS ORDERED:

- 1) Based upon statement that plaintiffs intend to dismiss the case, the motions to compel are denied as moot. (Filing Nos. [180](#), [182](#), [184](#)).
- 2) On or before June 15, 2023, the parties shall advise the court whether this case is settled. If so, the court will then set a dismissal document deadline. If the case is not settled, the case will proceed with the conclusion of discovery and dispositive motion practice in accordance with the case progression schedule set forth in Filing No. 204.

Dated this 1st day of June, 2023.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge

² The attachment referred to in Defendant's proposed settlement agreement is the protective order entered in this case at [Filing No. 138](#). As it is on the docket, it is not reproduced in reference to this order.